

### **REMARKS**

Claims 98-107 are presently pending in this application. No new claims have been added in this response.

As a preliminary matter, applicants wish to thank Examiners Winakur and Rozanski for their willingness to engage in a productive Examiner's Telephone Interview on Tuesday, November 18, 2008. During the telephone conference, we discussed some of the distinctions between the pending claims and the teaching of Vilsmeier and Doron. In particular, we agreed that the claim amendments proposed herein overcome all outstanding prior art rejections. Accordingly, applicants request that this paper constitute the applicants' Interview Summary. If the Examiner notices any deficiencies in this regard, he is encouraged to contact the undersigned attorney to correct such deficiencies.

### **Dayco/McKesson Disclosure**

In accordance with the undersigned's current understanding of the obligations imposed by *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d. 1358 (Fed. Cir. 2003) and *McKesson Information Solutions, Inc. v. Bridge Medical, Inc.*, 487 F.3d 897 (Fed. Cir. 2007), the file histories of the following applications may contain information material to one or more of the pending claims. In assessing the patentability of the pending claims, the Examiner is respectfully requested to review the file history of each of the listed applications, determine whether such applications have "similar subject matter" and, if so, consider each substantive Office Communication and Office Action, including each reference on which a rejection is based, and each paper submitted by applicant therein. If the Examiner requires any further information in this respect, please let the undersigned know.

- a. Application Serial No. 09/877,498, filed on June 8, 2001.
- b. Application Serial No. 10/721,491, filed November 25, 2003.
- c. Application Serial No. 10/743,531, filed November 15, 2003.

In accordance with our Examiner's Interview, the pending claims comply with 35 U.S.C. § 112 and patentably define over the prior art. Applicant accordingly respectfully requests reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6088. The Commissioner is authorized to change any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 50-0665, under Order No. 341148004US2 from which the undersigned is authorized to draw.

Dated: 11.18.08

Respectfully submitted,

By

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